

**SIEMENS****FACSIMILE COVER SHEET**In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Guido Gentner

Application No.: 10/510,973

Atty. Docket No. 2002P06169WOUS

Filed: October 8, 2004

Title: METHOD FOR DETECTING A CHECK-BACK SIGNAL IN AN OPTICAL TRANSMISSION  
SYSTEM

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

► **FACSIMILE ATTN TO: CYNTHIA M. KRATZ**  
**OFFICE OF PCT LEGAL**  
**ADMINISTRATION, MAIL STOP PCT**

**FAX NO.: 571-273-0459**

**RENEWED REQUEST FOR WITHDRAWAL OF**  
**NOTIFICATION OF ABANDONMENT**

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on  
January 4, 2007.



Ann Hickey

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg)
- PTO/SB/21 Transmittal (1 pg.)
- Renewed Request for Withdrawal of Notification of Abandonment (3 pgs.);
- Declaration of Ann Hickey in Support of Renewed Request to Withdrawal of Notification of Abandonment (2 pgs)
- Request for Withdrawal of Notification of Abandonment (13 pgs.)

<b>Number of pages being transmitted (including this cover sheet): 20 pgs</b>
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The information contained in this facsimile message may contain attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us. Thank you.


**Siemens Corporation**Legal and Intellectual Property  
Department4400 Alafaya Trail  
Orlando Florida 32826Tel: 407-736-2472  
FAX: 407-736-6440**RECEIVED**


4 JAN 2007

Legal Staff  
International Division

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/510,973	
	Filing Date	October 8, 2004	
	First Named Inventor	Guido Gentner	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission		Attorney Docket Number	2002P06169WOUS

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Facsimile Cover Sheet including a certificate of transmission under 37 CFR 1.8 2) A Copy of a Declaration signed by Ann Hickey in Support of Renewed Request for Withdrawal of Notification of Abandonment
<b>Remarks</b> Renewed Request for Withdrawal of Notification of Abandonment, Declaration of Ann Hickey in Support of Renewed Request for Withdrawal of Notification of Abandonment and copies of Request for Withdrawal of Notification of Abandonment faxed on July 25, 2005 (13 pgs.) are being filed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	SIEMENS		
Signature			
Printed Name	JOHN P. MUSONE		
Date	JANUARY 4, 2007	Reg. No.	44,961

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	ANN HICKEY	Date	JANUARY 4, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**SIEMENS**

PATENT  
Attorney Docket No. 2002P06169WOUS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Inventor:	G. Gentner et al.	)	
		)	Group Art Unit: Not Yet Assigned
Serial No.:	10/510,973	)	
		)	Examiner: Not Yet Assigned
Filed:	October 08, 2004	)	
Title:	METHOD FOR DETECTING A CHECK-BACK SIGNAL IN AN OPTICAL TRANSMISSION SYSTEM		

**Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**RENEWED REQUEST FOR WITHDRAWAL  
OF NOTIFICATION OF ABANDONMENT**

On 21 December 2006, Cynthia M. Kratz, Attorney Advisor of the PCT Legal Administration Office dismissed Applicant's 13 page "Request for Withdrawal of Notification of Abandonment" filed on July 25, 2006 ("Request") without prejudice and indicated that the application is being held in the PCT Legal Office to await Applicant's further reply.

**Serial No. 10/510,973**  
**Atty. Doc. No. 2002P06169WOUS**

Attorney Advisor Kratz' Decision was based on two findings:

- (1) that the Request was not personally signed by the practitioner and thus is not an acceptable filing; and
- (2) that the Request did not meet the requirements of 37 CFR 1.8(b).

Applicants respectfully respond to the Decision as follows:

(1) the enclosed Renewed Request for Withdrawal of Notification of Abandonment is personally signed by the practitioner and is thus an acceptable filing. (Applicants respectfully note that it misunderstood the Office's July 25, 2006 request by Ms. Evans to refax the originally filed Response to Notification of Missing Requirements as an informality not requiring the practitioners signature).

(2)

(a) Applicants learned of the Office having no evidence of receipt of the correspondence on July 20, 2006 (Request pg. 2 - copy attached) and informed the Office of such on July 25, 2006 (Request pg. 1 - copy attached) via the Request;

(b) Applicants supplied an additional copy of the previously faxed transmittal Missing Requirements submission (Request pgs. 3-11 - copy attached); and

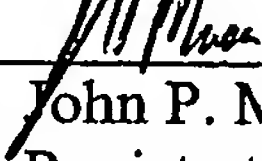
(c) Applicants herewith provide a declaration from the person who executed the Certificate of Transmission on the responsive Missing Requirements materials, Ann Hickey, confirming that she personally transmitted the responsive Missing Requirements materials on the June 16, 2005 date indicated by the Certificate of Transmission.

Applicants respectfully requests consideration of its Renewed Request for Withdrawal and no fee required. However, the Commissioner is hereby authorized to charge any appropriate fees due in connection with this reconsideration paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

**Serial No. 10/510,973**  
**Atty. Doc. No. 2002P06169WOUS**

Respectfully submitted,

Dated: 11/4/07

By:   
John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830

**SIEMENS**

PATENT  
Attorney Docket No. 2002P06169WOUS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Inventor:	G. Gentner et al.	)	
		)	Group Art Unit: Not Yet Assigned
Serial No.:	10/510,973	)	
		)	Examiner: Not Yet Assigned
Filed:	October 8, 2004	)	

Title: METHOD FOR DETECTING A CHECK-BACK SIGNAL IN AN  
OPTICAL TRANSMISSION SYSTEM

Commissioner for Patents  
Office of PCT Legal Administration  
PO Box 1450  
Washington, D.C. 20231-1450

Sir:

DECLARATION OF ANN HICKEY IN SUPPORT OF  
RENEWED REQUEST TO WITHDRAWAL OF ABANDONMENT

I, Ann Hickey, do hereby declare as follows:

1. I am an intellectual property specialist that prepares and files documents on behalf of Siemens Aktiengesellschaft and its corporate affiliates. I currently assist patent attorney John P. Musone and formerly assisted limited recognition patent agent Georg P. Zeis who are of record for the above-referenced patent application.

2. On June 16, 2005, prior to personally facsimile filing the Response To Notification of Missing Requirement signed by Georg Zeis on June 16, 2005, I signed the

**Serial No. 10/510,973**  
**Atty. Doc. No. 2002P06169WOUS**

Certification of Mailing stating "I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on June 16, 2005. I then personally facsimile filed the Response to the attention of Charitta A. Burt of the PCT Missing Parts Office at 703-746-6704 on June 16, 2005.

3. I declare that all statements, made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

Dated: Jan. 4, 2007

By: Ann Hickey  
Ann Hickey



\* \* \* COMMUNICATION RESULT REPORT ( JUL. 25. 2006 2:26PM ) \* \* \*

FAX HEADER 1: 407-736-6440  
FAX HEADER 2:TRANSMITTED/STORED : JUL. 25. 2006 2:20PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

858 MEMORY TX

USPTO

OK

13/13

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWERE-2) BUSY  
E-4) NO FACSIMILE CONNECTION**SIEMENS****FACSIMILE COVER SHEET****PRIVILEGED AND CONFIDENTIAL**

TO: India L. Evans

FROM: Ann Hickey, IP Specialist  
ann.hickey@siemens.com

Fax No.: 571-270-9880

Fax No: 407-736-6440  
Phone: 407-736-7064

DATE: July 25, 2006

Number of Pages including cover page: 13

Re: 10/510,973 filing date: 10/08/2004  
Attorney Docket No.: 2002P06169WOUS  
First Named Applicant: Guldo Gentner**REQUEST FOR WITHDRAWAL OF NOTIFICATION OF ABANDONMENT**

Per our conversation this morning, attached please find the original fax to the USPTO responding to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated June 16, 2005.

It is respectfully requested that a Withdrawal of the Notification of Abandonment be issued.

If you need to contact me I can be reached at 407-736-7064. Thank you, in advance, for your assistance.

The information contained in this facsimile message may contain attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us. Thank you.

**Siemens Corporation**Legal and Intellectual Property  
Department4400 Alafaya Trail  
Orlando Florida 32826Tel: 407-736-2472  
FAX: 407-736-6440

Page 1





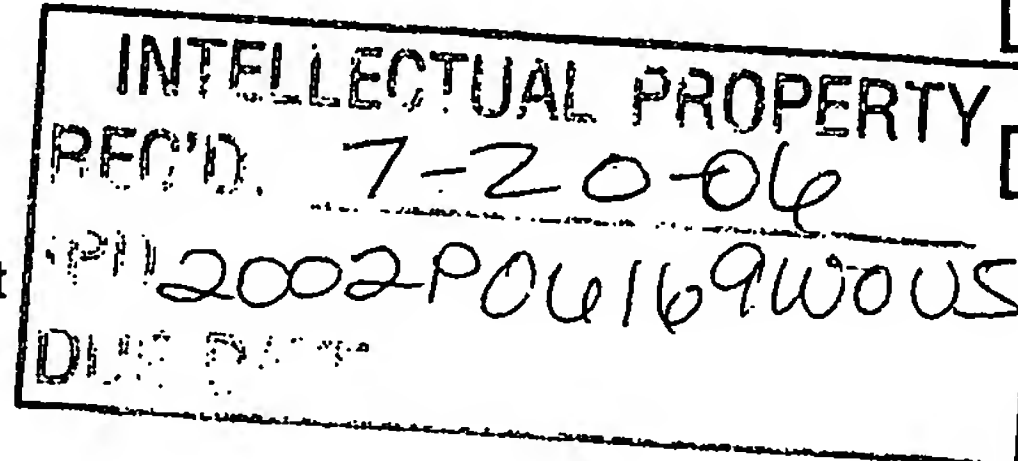
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,973	Guido Gentner	2002P06169WOUS

INTERNATIONAL APPLICATION NO.	
PCT/DE03/01075	
I.A. FILING DATE	PRIORITY DATE
04/01/2003	04/12/2002

Siemens Corporation  
 Intellectual Property Department  
 170 Wood Avenue South  
 Iselin, NJ 08830



DATA  
ENTERED

371

ABANDONMENT/TERMINATION  
LETTER



\*OC000000019569730\*

CONFIRMATION NO. 6167

Date Mailed: 07/12/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 05/03/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

\* \* \* COMMUNICATION RESULT REPORT ( JUN. 16. 2005 3:54PM ) \* \* \*

FAX HEADER 1: 407-736-6440  
FAX HEADER 2:TRANSMITTED/STORED : JUN. 16. 2005 3:48PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

008 MEMORY TX

USPTO

OK

11/11

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWERE-2) BUSY  
E-4) NO FACSIMILE CONNECTION**SIEMENS****FACSIMILE COVER SHEET**In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Guido Gentner

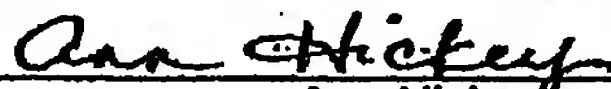
Application No.: 10/510,973

Filed: October 08, 2004

Title: METHOD FOR DETECTING A CHECK-BACK SIGNAL IN AN OPTICAL  
TRANSMISSION SYSTEM

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

► **FACSIMILE ATTN TO: CHARITTA A. BURT FAX NO.: 703-746-6704****RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)****Certificate of Transmission under 37 CFR 1.8**I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on  
June 16, 2005.

Ann Hickey

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg)
- Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office bearing "date mailed" of 05/03/2005 (2 pgs, original + 1 copy);
- Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office to be returned with response (2 pgs);
- Declaration for Patent Application, Power of Attorney & Designation of Correspondence Address (4 pgs)
- Authorization to Act in a Representative Capacity including copy of Limited Recognition Under 37 CFR § 11.9(b) (2 pgs.)

**Number of pages being transmitted (including this cover sheet): 11 pgs**

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**Siemens Corporation**Legal and Intellectual Property  
Department4400 Alafaya Trail  
Orlando Florida 32828Tel: 407-736-2472  
FAX: 407-736-6440

Page 3

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Guido Gentner  
Serial No.: 10/510,973  
Filed: October 08, 2004

Docket No.: 2002P06169WOUS  
Examiner: Not Yet Assigned  
Group Art Unit: Not Yet Assigned

Title: METHOD FOR DETECTING A CHECK-BACK SIGNAL  
IN AN OPTICAL TRANSMISSION SYSTEM

16.June.2005

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

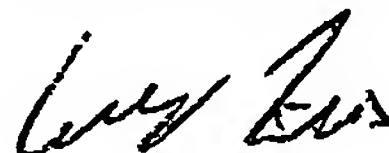
Sir:

This is a response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designed/Elected Office having a mailing date of 05/03/2005 and for which a period for response of two (2) months from the mailing date of said Notice is set to expire 07/03/2005.

Enclosed is a Declaration by the present Inventors and a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designed/Elected Office.

Please charge Deposit Account No. 19-2179 for the surcharge of \$130.00 in accordance with 37 CFR 1.492(h). Issuance of a formal Filing Receipt is respectfully solicited.

Respectfully submitted,



6/16/2005

Georg Zeis  
LIMITED RECOGNITION - 4/21/2005-5/24/2006  
(407) 736-6170

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to  
703-746-6704 at the Patent and Trademark Office on June 16, 2005.

  
Ann Hickey

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Guido Gentner  
Serial No.: 10/510,973  
Filed: October 08, 2004

Docket No.: 2002P06169WOUS  
Examiner: Not Yet Assigned  
Group Art Unit: Not Yet Assigned

Title: METHOD FOR DETECTING A CHECK-BACK SIGNAL  
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16.June.2005

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
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Commissioner for Patents  
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Alexandria, VA 22313-1450

Sir:

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Respectfully submitted,

 6/16/2005

Georg Zeis  
LIMITED RECOGNITION - 4/21/2005-5/24/2006  
(407) 736-6170

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to  
703-746-6704 at the Patent and Trademark Office on June 16, 2005.

  
Ann Hickey



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,973	Guido Gentner	2002P06169WOUS

INTERNATIONAL APPLICATION NO.

PCT/DE03/01075

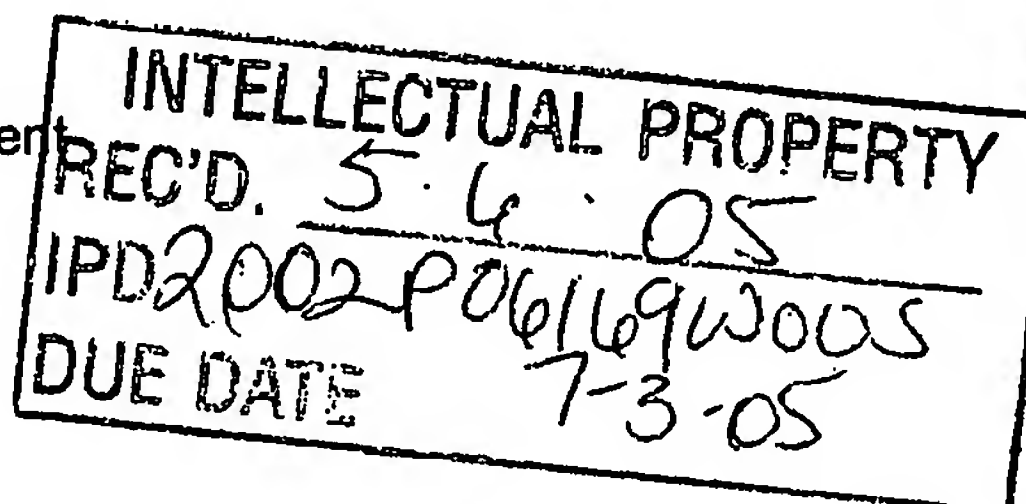
I.A. FILING DATE

PRIORITY DATE

04/01/2003

04/12/2002

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830



CONFIRMATION NO. 6167

371 FORMALITIES LETTER



\*OC000000015893906\*

Date Mailed: 05/03/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/08/2004
- English Translation of the IA filed on 10/08/2004
- Copy of the International Search Report filed on 10/08/2004
- Copy of IPE Report filed on 10/08/2004
- Copy of Annexes to the IPER filed on 10/08/2004
- Preliminary Amendments filed on 10/08/2004
- Information Disclosure Statements filed on 10/08/2004
- Oath or Declaration filed on 10/08/2004
- U.S. Basic National Fees filed on 10/08/2004
- Substitute Specification filed on 10/08/2004
- Priority Documents filed on 10/08/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:



Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,973	PCT/DE03/01075	2002P06169WQUS

FORM PCT/DO/EO/905 (371 Formalities Notice)